

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.92 of 2022

Natarajan

... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Planning Officer,
Panchayat Raj and Rural Development Department,
Collectorate, Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
4. The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
5. The Block Development Officer,
Tiruchengode Union,
Namakkal District.
6. Kanthasami

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to take appropriate and immediate action against the 6th respondent for illegally extracting the water from the agricultural land in S.F.No.216 at Kailasapalayam Village, Tiruchengode Taluk, Namakkal District for commercial purpose by considering representation dated 08.04.2021.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mrs.C.Sangamithirai
Special Government Pleader
for R1 to R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 1 to 5 to take appropriate and immediate action against the 6th respondent for illegally extracting the water from the agricultural land in S.F.No.216 at Kailasapalayam Village, Tiruchengode Taluk, Namakkal District for commercial purpose by considering representation dated 08.04.2021.

2. The case of the petitioner is that the petitioner owns a property comprised in S.F.No.216, to an extent of 1.81 acres situated at Kailasapalayam Village, Tiruchengode Taluk, Namakkal District and he is in peaceful possession and enjoyment of the said property and the 6th respondent is the adjacent land owner and owns the land in S.F.No.216/P (part). The 6th respondent dug a deep well nearly 800 feet in his land and drawn water and selling the same to the factories, due to which there had occurred scarcity in the level of ground water for about 2 kilometers radius. Hence the petitioner gave representation dated 08.04.2021 to the respondents 1 to 5 to take action against the 6th respondent, however the official respondents have not taken any action on the said representation. Aggrieved over the same, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 5 to consider the petitioner's representation dated 08.04.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioner and the 6th respondent are the sons of one Palaniappa Gounder and they own an acre of 1.81 extent of land in S.F.NO.216 of the above said Village. The 6th respondent has obtained the electricity connection and erected a water tank in front of his land and filled water drawn from the deep well and further the public in the locality are using the well water from the 6th respondent freely. Further the learned Special Government Pleader submitted that a pond called ''Malaiyadi Kuttai'' existed near the petitioner's land with full capacity of rain water, due to which the ground water was recharged in that area and further no complaints were received from the public of that area including from the petitioner. Due to land dispute between the petitioner and the 6th respondent, the petitioner has filed this Writ Petition and it is frivolous litigation. Hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner claims that due to the act of the 6th respondent in digging up a deep well, the entire village is facing water scarcity both for drinking and agricultural purpose, it appears that the public in the locality also using the well water from the 6th respondent freely and further as claimed by the petitioner there is no scarcity of ground water, as there existed the pond namely ''Malaiyadi Kuttai'' near the petitioner's land. Therefore, there is no grievance for the petitioner in the present Writ Petition. Further if any complaints are received against the 6th respondent from the petitioner or from the public, the 4th respondent will take appropriate action against the 6th respondent after due enquiry.

9. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District, Namakkal.
2. The District Planning Officer,
Panchayat Raj and Rural Development Department,
Collectorate, Namakkal.
3. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
4. The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
5. The Block Development Officer,
Tiruchengode Union,
Namakkal District.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.993

+1cc to the Government Pleader, S.R.No.1626

W.P.No.92 of 2022

KSM[co]
NSK 07/02/20222